Student Services
DRAFT as of 6/24/09

BP 5020 NON-RESIDENT TUITION

References:

Education Code Sections 68050, 68051, 68130, 68130.5, and 76141;
Title 5 Section 54045.5

Non-resident students shall be charged non-resident tuition for all units enrolled, unless specifically required otherwise by law.

Not later than February 1 of each year, the Superintendent/President shall bring to the Board of Trustees for approval an action to establish non-resident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The Superintendent/President shall establish procedures regarding collection, waiver, and refunds of non-resident tuition.

The Superintendent/President is authorized to implement a fee *as officially adopted by the Board of Trustees and published in the District Catalog and Schedule of Classes.*

This fee applies to:

- *United States citizens or permanent United States residents who reside outside the state of California and*
- persons who are both citizens and residents of foreign countries *(international students).*

Students who would otherwise be charged this fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the country of which they are a citizen and resident or if they demonstrate economic hardship.

Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence that they are citizens and residents of a foreign country and that they are receiving Temporary Assistance for Needy Families Program, Supplemental Income/State Supplementary benefits, or general assistance.

In addition, international students will be charged an additional $7 per unit capital outlay fee. The Board of Trustees finds and declares that this fee does not exceed the amount expended by the District for capital outlay in the preceding year divided by the total FTES in the preceding fiscal year.

- **From current College of Marin Policy 6011 titled Tuition and Fees**

1. **Non-Resident Tuition** (EC 76140, 76142-3)

   The Board shall establish a non-resident tuition fee schedule for out-of-state and foreign students not later than February 1 of each year for the succeeding fiscal year.

2. **Enrollment Fee** (EC 72252)

   Pursuant to the provisions of EC 72252, there shall be an enrollment fee established by the State for students enrolled in credit classes.

3. **Materials Fees** (Title 5, 59400-8)

   Pursuant to the provisions of Title 5, 59400-8, when appropriate, there shall be a charge for instructional and other materials required for a credit or non-credit course, provided such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the College. The College shall not charge more than the actual cost of providing the materials.

4. **Non-Credit Resident/Non-Resident Fee** (EC 78460-62.5)

   Non-credit students who are not legal residents of California will also be charged for State-supported classes, except for classes where fees are restricted by law.

5. **Transcript/Verification Fee** (EC 76223)

   The Board shall establish the charge for a copy of any student's record. The amount shall not exceed the actual cost of furnishing the copies. No charge shall be made for furnishing up to two transcripts of students' records or up to two verifications of various records of students. No charge may be made to search for or to retrieve any student record.

6. **Parking Service Fee** (EC 72247)

   The Board shall establish a charge to be required of students using parking services. All parking fees collected shall be deposited in the designated fund of the College in accordance with the California Community Colleges Budget and

~~Accounting Manual and shall be expended only for parking services such as the purchase, construction, and operation and maintenance of parking facilities. In no event may the fee required pursuant to this statute exceed the actual cost of providing parking services.~~

~~Students who receive financial assistance pursuant to any of the programs described in subsection (G) of EC 72252 shall be exempt from semester parking permit fees in excess of twenty dollars ($20) per semester.~~

~~7. **Health Service Fee**~~

~~The Board shall establish a Health Service fee to be required of all students at the time of registration.~~

~~8. **Other Fees**~~

~~Other fees may be levied as allowed by law.~~

~~9. **Refunds**~~

~~All fees are non-refundable except as indicated below:~~

~~Non-Resident Tuition for Credit Classes~~
~~100% refund through the second week~~
~~70% refund through the third week~~
~~50% refund through the fourth week~~
~~30% refund through the fifth week~~
~~20% refund through the sixth week~~
~~No refunds will be granted after the sixth week of instruction.~~

~~Enrollment Fee: Refunds will be granted through the second week of instruction. A service charge will be withheld from refunds unless the class is canceled by the College.~~

~~Materials Fees: Refunds will be granted through the second week of instruction, when accompanied by a confirmation from the instructor that no materials have been used. Students will also be entitled to refunds if they provide confirmation from the instructor that comparable materials were supplied by the students themselves.~~

~~Non-Credit Resident/Non-Resident Fee: Refunds will be made only if requested classes are closed or canceled.~~

NOTE: *The* ***underlined regular type*** *signifies* ***legally required*** *language (unless designated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The*

underlined italics *was recommended by the Office of Student Learning. The wording* ***struck through*** *is from current College of Marin Policy 6.0011 titled Tuition and Fees adopted on 12/10/85 and revised on 6/25/91.The BP was reviewed by the Director of Enrollment Management and ok'd by the VP of Student Learning on 6/24/09.*

Date Adopted:

(Replaces a portion of current College of Marin Policy 6.0011)

Legal Citations for BP 5020 Non-resident Tuition

EDUCATION CODE SECTIONS 68050-68052

68050. A student classified as a non-resident shall be required, except as otherwise provided in this part, to pay, in addition to other fees required by the institution, non-resident tuition.

68051. Unless otherwise provided by law, the governing board or district governing board shall adopt rules and regulations relating to the method of calculation of the amount of non-resident tuition, the method of payment, and the method and amount of refund.

68052. (a) It is the intent of the Legislature that California's public institutions of higher **education** shall establish non-resident student tuition policies that are consistent with their resident student fee policies. Non-resident student tuition shall be determined by each of the public postsecondary segments through the adoption of a methodology that annually establishes the non-resident student tuition rate. It is further the intent of the Legislature that, while the public institutions are to be provided flexibility in establishing their non-resident tuition, under no circumstances shall the level of non-resident tuition plus required fees fall below the marginal cost of instruction for that segment.

(b) The following state policies regarding non-resident student tuition are hereby established:

(1) Unless otherwise prescribed by statute, an admission fee and rate of tuition fixed by each public postsecondary governing board shall be required of each non-resident student. Each public postsecondary **education** governing body shall develop its own methodology for establishing the non-resident tuition level and its annual adjustment level of non-resident student tuition, unless otherwise prescribed by statute.

(2) As California's public postsecondary **education** segments annually adjust the level of non-resident tuition they charge out-of-state students, the non-resident tuition methodologies they develop and use should take into consideration, at minimum, the following two factors:

(A) For the University of California and the California State University, the total non-resident charges imposed by each of their public comparison institutions, as identified by the California Postsecondary **Education** Commission.

(B) The full average cost of instruction of their segment.

(3) It is the intent of the Legislature that under no circumstances shall an institution's level of non-resident tuition plus required student fees fall below the marginal cost of instruction for that segment.

(4) The University of California, the California State University, the Hastings College of the Law, and the California Maritime Academy should endeavor to ensure that increases in the level of non-resident tuition are gradual, moderate, and predictable by providing non-resident students with a minimum of a 10-month notice of tuition increases.

(c) No provision of this section shall be applicable to the California Community Colleges.

(d) In the event that state revenues and expenditures are substantially imbalanced due to factors unforeseen by the Governor and the Legislature, including, but not limited to, initiative measures, natural disasters, or sudden deviations from expected economic trends, the nonresident student

tuition at the University of California, the California State University, the Hastings College of the Law, and the California Maritime Academy, shall not be subject to this section.

EDUCATION CODE SECTION 68130

68130. The governing boards and district governing boards may waive non-resident tuition in whole or in part pursuant to Sections 68123, 76140, 89705, and 89707.

EDUCATION CODE SECTION 76141

76141. (a) In addition to the non-resident tuition fee established pursuant to Section 76140, a community college district may charge to non-resident students who are both citizens and residents of a foreign country an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year.

(b) Any fee charged pursuant to this section shall not exceed 50 percent of the non-resident tuition fee established pursuant to Section 76140.

(c) (1) Any student who can demonstrate economic hardship, or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident, is exempt from this fee.

(2) For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized by this section shall adopt a definition of economic hardship that encompasses the financial circumstances of a person who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Parts A and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a general assistance program.

(d) Revenue from any fee charged pursuant to this section shall be expended only for purposes of capital outlay, maintenance, and equipment.